

EXHIBIT H - 1

From: Bridget Zerner
Sent: Thursday, July 1, 2021 12:19 PM
To: 'mm2uwords@aol.com'; 'Michael McKenzie'
Cc: jmarkham@markhamreadzerner.com; og@americanimageart.com; Og@ogcool.com
Subject: Case Deadlines
Attachments: 395. ORDER re Discovery.pdf

Michael - no depositions have been scheduled.

These are the current deadlines / events:

Arbitration: Friday, July 9, 9:30am – Case Status Conference (Zoom) and Evidentiary Hearing (Zoom) / Cross-Examination for Non-Party Witnesses

First Circuit Appeal: Monday, July 26, 10:30am – Oral Argument re Term Sheet / D. Maine ruling

SDNY/Morgan Case: See attached order for all deadlines including:

The parties shall promptly meet and confer to arrange an inspection, pursuant to Fed.R.Civ. P. 34, of McKenzie's studio in Katonah, New York by plaintiff's counsel. No later than July 9, 2021, the parties shall either (1) submit a stipulation as to the agreed-upon guidelines for the inspection, or (2) submit a joint letter outlining each party's proposal and briefly explaining the area(s) of disagreement. Any request for sanctions, including cost-shifting, will be deferred until after the inspection occurs.

The parties shall promptly meet and confer to discuss whether any portion of the settlement agreement recently entered into by, among others, Morgan Art Foundation Limited, Jamie Thomas, and James Brannan as Personal Representative of the Estate of Robert Indiana should be disclosed to McKenzie. To the extent judicial resolution is required, McKenzie may file a letter-motion to compel production of the agreement no later than July 9, 2021.

Should plaintiff wish to reopen McKenzie's deposition after the inspection and any subsequent document production from McKenzie have been completed, the parties shall meet and confer in good faith to discuss the length and scope of the deposition. If they cannot agree, plaintiff may file a letter-motion to reopen McKenzie's deposition no later than August 2, 2021

The deadline to complete all fact discovery, including the remaining fact depositions, is October 1, 2021.

The deadline to complete expert discovery, including expert depositions, is December 1, 2021.

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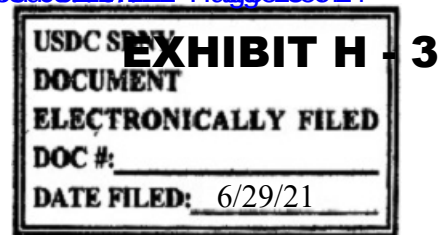
EXHIBIT H - 2

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MORGAN ART FOUNDATION LIMITED,

Plaintiff,

-against-

MICHAEL MCKENZIE,

Defendant.

18-CV-4438 (AT) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

For the reasons stated during today's status and scheduling conference, it is hereby
ORDERED that:

1. Discovery Schedule

- a. The deadline to complete all fact discovery, including the remaining fact depositions, is **October 1, 2021**. Fact depositions are limited to those that were noticed, scheduled, or commenced before the Court issued its Order dated November 6, 2020 (Dkt. No. 369).
- b. The deadline for the disclosure of affirmative experts and the exchange of affirmative expert reports is **October 20, 2021**.
- c. The deadline for the disclosure of any rebuttal experts and the exchange of rebuttal reports is **November 10, 2021**.
- d. The deadline to complete expert discovery, including expert depositions, is **December 1, 2021**.
- e. The deadline to file pre-motion letters regarding summary judgment, which shall conform to the individual practices of the district judge, is **January 20, 2022**.

2. Special Master

Plaintiff's request that the Court "appoint a special master at McKenzie's expense to personally oversee McKenzie's document collection," pursuant to Fed. R. Civ. P. 53(a)(1)(C), (Dkt. No. 393 at 1) is DENIED.

3. Inspection of McKenzie Studio

The parties shall promptly meet and confer to arrange an inspection, pursuant to Fed. R. Civ. P. 34, of McKenzie's studio in Katonah, New York by plaintiff's counsel. No later than **July 9, 2021**, the parties shall either (1) submit a stipulation as to the agreed-upon guidelines for the inspection, or (2) submit a joint letter outlining each

EXHIBIT H - 4

party's proposal and *briefly* explaining the area(s) of disagreement. Any request for sanctions, including cost-shifting, will be deferred until after the inspection occurs.

4. Production of Settlement Agreement

The parties shall promptly meet and confer to discuss whether any portion of the settlement agreement recently entered into by, among others, Morgan Art Foundation Limited, Jamie Thomas, and James Brannan as Personal Representative of the Estate of Robert Indiana should be disclosed to McKenzie. To the extent judicial resolution is required, McKenzie may file a letter-motion to compel production of the agreement no later than **July 9, 2021**.

5. McKenzie Deposition

Should plaintiff wish to reopen McKenzie's deposition after the inspection and any subsequent document production from McKenzie have been completed, the parties shall meet and confer in good faith to discuss the length and scope of the deposition. If they cannot agree, plaintiff may file a letter-motion to reopen McKenzie's deposition no later than **August 2, 2021**.

6. In-Person Proceedings

Unless otherwise ordered, all future conferences, hearings, and other court proceedings will take place in Courtroom 20A of the Daniel Patrick Moynihan Courthouse.

Dated: New York, New York
June 29, 2021

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge